


UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

MARVIN LOWERY, :  
 : Civil Action No. 02-2862 (KSH)  
Petitioner, :  
 :  
v. : **ORDER**  
 :  
ALFARO ORTIZ, :  
 :  
Respondent. :

For the reasons set forth in the Opinion filed herewith,  
IT IS on this 18<sup>th</sup> day of January, 2006,

ORDERED that the Petition for writ of habeas corpus under 28  
U.S.C. § 2254 is DISMISSED, and it is further

ORDERED that no certificate of appealability shall issue  
under 28 U.S.C. § 2253(c)(2), the Petitioner having failed to  
make a substantial showing of the denial of a constitutional  
right.

  
Katharine S. Hayden  
United States District Judge